THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.16438 of 2006

Between:

P.Sridhar.

.. PETITIONER

and

The Commissioner of Prohibition
and Excise and others.

..
RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

It is the case of the petitioner that the Collector and District

Magistrate, Adilabad District, issued a Gazette Notification, dated 27-05-2006, inviting tenders for grant of licence for sale of Indian made Foreign Liquor/ Foreign Liquor at Shop No.2 of Golleti village in Rebbana Mandal. As per the said Notification, two shops have been notified at Gazette Sl.Nos.147 and 148 for Rebbana Mandal of Adilabad District i.e., shop of No.1 at Rebbana village and shop No.2 at Golleti village. The petitioner is the highest bidder of Gazette Sl.No.148 in respect of shop No.2 of Golleti village in the auction knocked down on 04-06-2006 for lease amount of Rs.28,11,111/-, as against the upset price of Rs.18,70,000/-. He being the highest bidder has complied with all the formalities and the respondents granted licence in his favour. While so, Gazette Sl.No.175 situated at Yellakkapet village of Chennur Mandal could not be auctioned and therefore, the Collector and District Magistrate issued re-notification, dated 31-07-2006, re-notifying the shop at Gazette Sl.No.175 of Yellakkapet village of Chennur Mandal, which was originally proposed to be located at Yellakkapet village of Chennur Mandal, within Rebbana Mandal and showed it as Shop No.2 of Golleti village. The said shop was auctioned and the 5th respondent became the highest bidder of the said shop. Accordingly, the licence was issued in favour of the 5th respondent. Thus, it is the case of the petitioner that the shop notified at Gazette Sl.No.175 relating to Yellakkapet village of Chennur Mandal cannot be brought back and relocate at Golleti village, where only one shop has been notified. Thus, it is the case of the petitioner that the said action of respondents 1 to 3 in renotifying the third shop in Rebbana Mandal, that too creating one more shop in Golleti Village is illegal and arbitrary and contrary to the provisions of A.P.Excise Act and the Rules made there under.

It is stated that the issue raised in this writ petition is squarely

covered by the judgments of this Court in W.P.No.215 of 2007, dated 01-03-2007 and W.P.No.16526 of 2006 and batch, dated 29-03-2007. This Court by aforesaid orders held that there is no provision under the Andhra Pradesh Excise (Lease of Right of Selling by Shops and Conditions of Licences) Rules, 2005 (for short "the Shop Rules") permitting shifting of shop even by the Commissioner from one Mandal to another.

Therefore, the Shop Rules go to show that relocation of the shop originally notified at Sl.No.175 of Yellakkapet village of Chennur Mandal, within the Golleti village of Rebbana Mandal, is illegal and arbitrary.

Accordingly, following the aforesaid judgments, this writ petition is allowed as prayed for. There shall be no order as to costs.

_____

13-04-2007

Note:
Issue C.C. in one week

(B/o)

Prv